

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1-17 are pending; Claim 1 is amended; and Claims 8-17 are newly added. It is respectfully submitted that no new matter is added by this amendment.

In the outstanding Office Action, Claims 1-3 were rejected under 35 U.S.C. § 102(b) as anticipated by Farmer (U.S. Pat. No. 2,497,301); and Claims 4-7 were rejected under 35 U.S.C. § 103(a) as unpatentable over Farmer. For the reasons discussed below, these rejections are respectfully traversed.

Claim 1, from which Claims 2-7 depend, recites a hair warming tool of sheet form having at least one heating part and a margin around the heating part, wherein the heating part includes a heat generating material which contains iron powder and generates heat on contact with air.

As described in the specification, for example, at pages 3 and 4, the heating part is a part including a heat transfer material disposed therein. The heating performance of the heating part is not particularly restricted, as long as the hair, either wet or dry, can be heated to 40°C or higher.

Farmer relates to a hair dryer. Farmer describes that “The instant invention provides a construction whereby the hair may be dried without the use of heat ...”¹ Nonetheless, the outstanding Office Action relies upon elements 24 and 25 of Farmer to provide the heating elements. However, Farmer does not disclose or suggest that elements 24 and 25 are heating elements. In fact, asserting that elements 24 and 25 are heating elements is contrary to the teachings of Farmer, as Farmer describes that “After the hair is dry the entire dryer can be

¹ Farmer, col. 2, lines 5-7.

placed in an oven and heated to expel the moisture therefrom”² (implying that the dryer itself does not include heat generating elements). Thus, it is evident that Farmer fails to disclose or suggest that the heating part includes a heat generating material which contains iron powder and generates heat on contact with air, as recited in Claim 1.

Accordingly, as Farmer fails to disclose or suggest the heat generating material of Claim 1, it is respectfully requested that the outstanding rejections of Claims 1-7 be withdrawn.

Newly added Claims 8-17 are believed to disclose features, such as the heating portion, that patentably distinguish over the cited references. Additionally, as newly added Claims 8-17 are supported by the original specification at pages 4, 7, and 9-11, for example, it is respectfully submitted that no new matter is added by Claims 8-17.

Consequently, in view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



J. Derek Mason, Ph.D.
Registration No. 35,270
Attorney of Record
Katherine D. Pauley
Registration No. 50,607

Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413-2220

JDM:KDP:rac

I:\ATTY\KDP\21'S\219\35US\219735US AM 3-15-04.DOC

² Id. at col. 3, lines 28-30.